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**BEFORE THE**  
**UNITED STATES DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
**WASHINGTON, D.C.**

In the matter of the petition of:

**NORTHWEST SEAPLANES, INC.**

for extension of an exemption  
from §135.203 (a) (1) of the  
Federal Aviation Regulations

Shane L. Carlson  
Northwest Seaplanes, Inc.  
P.O. Box 1845  
Renton, Washington 98057  
(425) 277-1590

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**INTRODUCTION**

Exemption No. 6461 was issued to Northwest Seaplanes, Inc. ("Northwest Seaplanes") and terminates on June 30, 2004. Pursuant to §11.25, of the Federal Aviation Regulations ("FAR"), Northwest Seaplanes hereby petitions the Administrator to issue to Northwest Seaplanes an extension of Exemption No. 6461 from FAR §135.203 (a) (1).

Generally, FAR §135.203 (a) (1) specifies VFR minimum altitudes. Specifically, it provides that the day VFR airplane minimum operating altitude is 500 AGL. Northwest Seaplanes hereby proposes that it be granted an extension of Exemption No. 6461 from this regulation. Northwest Seaplanes believes that such an exemption extension would not adversely affect safety and that operations under the proposed exemption extension would provide a level of safety equal to that provided by the regulation. Proof that a high level of safety can be maintained under the proposed exemption is the performance record of Northwest Seaplanes and other certificate

holders in the region who together have accumulated more than a decade of safe operating experience under identical exemptions. Also, the proposed exemption extension is clearly in the public interest because it permits the safe completion of flights which otherwise would have to be canceled under existing limitations of FAR §135.203 (a) (1).

### **REGULATION**

FAR §135.203 (a) (1) provides as follows:

Except when necessary for takeoff and landing, no person may operate under VFR an airplane during the day below 500 feet above the surface or less than 500 feet horizontally from any obstacle.

### **INTERESTS OF PETITIONER**

Northwest Seaplanes conducts operations as an air taxi/commercial operator exclusively in seaplanes under its air carrier certificate No. NWSA878B. Operations for which exemption is sought are day VFR at true airspeeds not exceeding 130 knots, confined to an area including the Puget Sound basin and the San Juan Islands in Washington State.

Weather conditions in the Puget Sound - San Juan Islands area often consist of low stratus cloud layers or fog with ceilings over water of 300-500 feet and visibilities of 2 miles or more. Where low ceilings occur, flight visibility is often in excess of 2 miles. The sheltered inland waters of this area are nearly always calm and offer a safe landing surface from departure to touchdown in the event of a power failure. Also, VFR navigation is facilitated in this area by an extensive system of marine beacons published on local aeronautical charts.

All Northwest Seaplanes flights are conducted with visual reference to landmarks and always within sight of land. All Northwest Seaplanes aircraft are equipped with position and anticollision lights. All Northwest Seaplanes flights are in continuous communication with ground facilities via VHF radio and the company-operated UHF radio. Petitioner's pilots are subject to flight training and familiarization with all routes, destinations and procedures for the safe conduct of flights in the area of intended operations.

Granting the exemption extension would benefit both the petitioner and the public because it would permit the safe conduct of flights which otherwise would have to be canceled under the minimum operating limits of the subject regulation. Experience of Northwest Seaplanes and other operators has demonstrated that flights can be conducted under the proposed exemption without adverse impact on the safety level provided by the subject regulation.

#### **PRIOR EXEMPTIONS BY ADMINISTRATOR**

The high level of flight safety under the proposed exemption is historical fact. Continuously since March 26, 1990, Northwest Seaplanes has operated safely under Exemption Nos. 5166, 5166A, 5166B and 6461. In addition, for over nineteen years, Kenmore Air Harbor, Inc. has safely operated in the Puget Sound - San Juan Islands area under an exemption identical to the one proposed herein. See Exemption Nos. 2528, 2528A, 2528B, 2528C (Regulatory Docket No. 17681) et seq. Also, Lake Union Air Service, Inc. had been granted an identical exemption prior to its discontinuation of operations. See, Exemption Nos. 4953 (Regulatory Docket 25577 and 4953A). Because the high level of safety for flights under the exemption has been established

by the test of time; and because petitioner's record of safe operations is untarnished, there is no justification for failing to grant Northwest Seaplane's request. Also, similar exemptions have been granted to at least eight air taxi/commercial seaplane operators in Alaska. See Exemption No. 4265 (Regulatory Docket No. 24279).

### **EXEMPTION EXTENSION SOUGHT**

Petitioner seeks an extension of Exemption No. 6461 from FAR §135.203 (a) (1) identical to that which has been previously granted to it, Kenmore Air Harbor, Inc. and Lake Union Air Service, Inc., permitting the conduct of flight operations when necessary, an altitude below 500 feet over water outside of controlled airspace.

### **CONCLUSION**

Northwest Seaplanes should be granted the proposed exemption extension which will permit its seaplanes to be operated safely below an altitude of 500 feet AGL. Such an exemption extension does not adversely affect safety because previous exemptions and extensions granted to other operators have established an impressive safe flying record for more than nineteen years. This successful performance record is based in part on the unique, day VFR seaplane operating environment in the Puget Sound - San Juan Islands area. Also, such an exemption extension furthers the public interest in fair competition because, as stated before, exemption extensions identical to the one proposed herein have previously granted to other seaplane operators in the region. Finally, the public's interest in safe, efficient air transportation is furthered because granting the exemption extension will permit the completion of flights which otherwise would have to be canceled under the subject regulation. In conclusion

therefore, it is clearly in the public interest and not adverse to flight safety for the Administrator to grant the exemption extension requested.

### **SUMMARY**

Pursuant to FAR §11.25 (d), a summary of this petition for exemption which may be published in the Federal Register is provided as follows:

The extension of Exemption No. 6461 from FAR §135.203 (a) (1) is requested to allow petitioner to conduct operations at an altitude below 500 feet over water outside of controlled airspace.

Dated this 18th day of March 18, 2004.

Respectfully submitted,

NORTHWEST SEAPLANES, INC.

By \_\_\_\_\_  
Shane L. Carlson  
Vice President